IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 11706 of 2003

Between:
N. Narasimha Rao S/o Suryanarayana, 62 years,
R/o Pulla Village, Bhimadolu Mandal, West Godavari District
..... PETITIONER

AND

1 The Commissioner of Endowments, Government of A.P., Tilak Road, Hyderabad.
2 The Dy. Commissioner of Endowments, Kakinada East Godavari District.
3 The Asst. Commissioner of Endowments, Eluru, West Godavari District.
4 D. Shankar Rao, s/o Kotiveeraiah, 40 years, Occ: Person-in-management, Sri Anjaneya Swamy Temple, Pulla village, Bhimadolu Mandal, West Godavari District.

(Respondent No.4 is impleaded as per court order dated 13-11-2003 in WPMP No.22614 of2003.)
....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring this action of the respondent No.3 herein issuing the proceedings No.A2/5843/99-3 dt. 12-5-1999 as illegal, arbitrary and violative of Article 14 of the Constitution of India, apart from the same being contrary to the provisions of A.P. Charitable & Hindu religious institutions and Endowments Act 1987.

Counsel for the Petitioner: MR.M.VIJAY KUMAR

Counsel for the Respondent Nos. 1 to 3: The G.P for Endowments.

Counsel for the Respondent No.4: Smt. N. Indrani, Standing Counsel for Endowments.

The Court made the following ORDER:

The present writ petition is filed challenging the appointment of single trustee through the impugned proceedings dated 12-05-1999.

To a specific question put by the Court why the writ petition should not be dismissed on the ground of laches, the learned counsel for the petitioner justifies for filing the writ petition after four years contending that the petitioner came to know about the issuance of such proceedings only when the same was filed in the suit.

In the counter affidavit filed by the respondents it is mentioned that pursuant to his appointment, the single trustee filed an application in O.A.No.95 of 2000 under Section 133 of the Endowments Act stating that he was appointed as single trustee of the temple through proceedings dated 12-05-1999 and the petitioner herein failed to handover the articles as mentioned in the petition, on which a notice was issued to the petitioner calling upon him to appear for enquiry. Questioning the same, the petitioner filed writ petition No.6621 of 2002, which was dismissed by this court through its order dated 1-9-2002 and which is annexed to the counter.

In view of the same, the submission made by learned counsel for the petitioner that the petitioner is not aware of the proceedings, so, he could not challenge, cannot be countenanced and the writ petition cannot be entertained at this stage on the ground of laches. The petitioner if aggrieved by the said proceedings, it is for him to challenge it by way of filing a revision before the appropriate authority.

Accordingly, the writ petition is dismissed. No costs.

22nd June, 2004.

*Nsr/Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. 1.The Commissioner of Endowments, Government of A.P., Tilak Road, Hyderabad.
2. 2.The Dy. Commissioner of Endowments, Kakinada, East Godavari District.
3. 3.The Asst. Commissioner of Endowments, Eluru, West Godavari District.
4. The Person-in-management, Sri Anjaneya Swamy Temple, Pulla village, Bhimadolu Mandal, West Godavari District.
5. Two CCs to G.Pfor Endowments, High Court Buildings, Hyderabad (OUT)
6. Two CD copies.